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11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 GAYLE JONES,

15 CASE NO: 2:19-cv-02154-JAD-VCF

16 Plaintiff,

17 v.

18 JAMES BRANDENBURG, individually;
19 MERCER TRANSPORTATION CO., INC., a
20 foreign corporation; DOES I-X; and ROE
21 CORPORATIONS INC.,

22 Defendants.

23 **STIPULATION AND PROPOSED ORDER TO EXTEND DISCOVERY**

24 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff GAYLE
JONES and Defendants MERCER TRANSPORTATION CO. INC., and JAMES
BRANDENBURG, by and through their respective counsel of record, that the parties be
permitted to extend the discovery period for a period of sixty (60) days. This case has not yet
been set for trial

25 **I. INTRODUCTION**

26 This case arises from a motor vehicle accident that occurred on December 20, 2018, in
27 Clark County, Nevada. In her Complaint, filed on November 25, 2019, Plaintiff asserted claims

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1 of negligence and negligent entrustment of vehicle against Defendants. Pursuant to the
2 Scheduling Order issued January 17, 2020, the parties had until November 16, 2020 to disclose
3 rebuttal expert witnesses and the last day to complete discovery is December 14, 2020.
4 Dispositive motions and motions in limine must be filed no later than January 13, 2021. In
5 accordance with L.R. 26-3, any stipulation or motion for modification or extension of this
6 discovery plan and scheduling order must be made no later than 21 days before the discovery
7 cut-off date. Therefore, any such stipulations or motions for the close of discovery shall be made
8 not later than Monday, November 23, 2020. The rebuttal expert disclosure deadline has passed.
9 A request made after the expiration of the subject deadline may be granted if the parties
10 demonstrate that the failure to act was the result of excusable neglect.

11 **II. COMPLETED DISCOVERY**

12 The parties have served and conducted the following discovery:

- 13 • Defendants James Brandenburg and Mercer Transportation Co., Inc.'s Initial
14 Disclosures Pursuant to F.R.C.P. 26(A)(1), served on January 16, 2020;
- 15 • Defendant Mercer Transportation Co., Inc.'s First Set of Requests for Production
16 of Documents to Plaintiff Gayle Jones, served January 17, 2020;
- 17 • Defendant Mercer Transportation Co., Inc.'s First Set of Interrogatories to
18 Plaintiff Gayle Jones, served January 17, 2020;
- 19 • Plaintiff's Early Case Conference List of Witnesses and Documents Pursuant to
20 FRCP 26(a)(1), served January 27, 2020;
- 21 • Defendants' First Supplement to Their Disclosures Pursuant to F.R.C.P. 26(A)(1),
22 served on February 11, 2020;
- 23 • Plaintiff's Answers to Defendant Mercer Transportation Co., Inc.'s First Set of
24 Interrogatories, served April 10, 2020;

- 1 • Plaintiff's Responses to Defendant Mercer Transportation Co., Inc.'s First Set of
- 2 Requests for Production of Documents, served April 10, 2020;
- 3 • Defendants' Second Supplement to their Initial Disclosures Pursuant to F.R.C.P.
- 4 26(A)(1), served on April 23, 2020;
- 5 • Plaintiff's First Set of Requests for Admission to Defendant James Brandenburg,
- 6 served on May 5, 2020;
- 7 • Plaintiff's First Set of Interrogatories to Defendant James Brandenburg, served on
- 8 May 5, 2020;
- 9 • Plaintiff's First Set of Requests for Production of Documents to Defendant James
- 10 Brandenburg, served on May 5, 2020;
- 11 • Plaintiff's First Set of Interrogatories to Defendant Mercer Transportation Co.,
- 12 Inc., served on May 5, 2020;
- 13 • Plaintiff's First Set of Requests for Admission to Defendant Mercer
- 14 Transportation Co., Inc., served on May 5, 2020;
- 15 • Plaintiff's First Set of Requests for Production of Documents to Defendant
- 16 Mercer Transportation Co., Inc., served on May 5, 2020;
- 17 • Defendants' Third Supplement to their Initial Disclosures Pursuant to F.R.C.P.
- 18 26(A)(1), served on May 8, 2020;
- 19 • Plaintiff's First Supplement to Initial Early Case Conference List of Witnesses
- 20 and Documents Pursuant to FRCP 26(a)(1), served on May 19, 2020;
- 21 • Defendant Mercer Transportation Co., Inc.'s Answers to Plaintiff's First Set of
- 22 Interrogatories, served June 10, 2020;
- 23 • Defendant Mercer Transportation Co., Inc.'s Responses to Plaintiff's First Set of
- 24 Requests for Production of Documents, served June 18, 2020;

- 1 • Defendant Mercer Transportation Co., Inc.'s Responses to Plaintiff's First Set of
- 2 Requests for Admission, served June 18, 2020;
- 3 • Defendant James Brandenburg' Answers to Plaintiff's First Set of Interrogatories,
- 4 served June 26, 2020;
- 5 • Defendant James Brandenburg' Responses to Plaintiff's First Set of Requests for
- 6 Admission, served June 26, 2020;
- 7 • Defendant James Brandenburg' Responses to Plaintiff's First Set of Requests for
- 8 Production of Documents, served June 26, 2020;
- 9 • The deposition of Plaintiff Gayle Jones, conducted on June 18, 2020;
- 10 • Plaintiff's deposition of Officer Geoffrey Campbell, conducted on July 15, 2020;
- 11 • Plaintiff's Second Supplement to Initial Early Case Conference List of Witnesses
- 12 and Documents Pursuant to FRCP 26(a)(1);
- 13 • The deposition of Defendant James Brandenburg, conducted on September 9,
- 14 2020;
- 15 • Plaintiff's Initial Expert Disclosures, served October 6, 2020;
- 16 • Plaintiff's Fourth Supplement to Initial Early Case Conference List of Witnesses
- 17 and Documents Pursuant to FRCP 26(a)(1);
- 18 • Defendants' Expert Disclosures, served October 15, 2020; and
- 19 • Defendants' Third Supplement to Their Initial Disclosures Pursuant to F.R.C.P.
- 20 26(A)(1); served October 22, 2020.

21 **III. REMAINING DISCOVERY**

22 The parties need to disclose rebuttal experts and conduct the depositions of the parties'

23 expert witnesses. Additionally, depositions are needed of Plaintiff's treating physicians and any

24 other percipient witnesses as disclosed in FRCP 16.1 pre-trial disclosures.

1 The parties anticipate that they may need to conduct other forms of discovery, though not
 2 specified herein, and anticipate doing so on an as needed basis.

3 **IV. REASONS WHY DISCOVERY SHOULD BE EXTENDED**

4 In light of the current COVID-19 precautions the parties require additional time to
 5 disclose rebuttal experts, conduct expert witness depositions, and obtain relevant records. The
 6 parties did not request an extension of the rebuttal expert witness disclosure deadline 21 days
 7 prior to the subject deadline because they expected to meet the deadline as scheduled. However,
 8 due to a last-minute scheduling conflict with Defendants' rebuttal witness beyond the parties'
 9 control, the parties informally agreed on November 16, 2020, to extend the rebuttal expert
 10 witness disclosure deadline and the discovery deadline by sixty days. This unexpected and
 11 unintentional brief continuance constitutes excusable neglect. This request is timely as to the
 12 discovery deadline pursuant to L.R. 26-3. This case is not currently set for trial; therefore, no
 13 other dates will be affected by the extension of these deadlines. As such, good cause exists to
 14 grant the parties' request to extend the rebuttal expert witness disclosure deadline and the
 15 discovery deadline by a period of sixty (60) days, as set forth below.

16 **V. PROPOSED SCHEDULE OF DISCOVERY**

17 The parties request an extension for the remaining discovery deadlines as follows:

	Current Deadline:	Proposed Deadline:
19 Last day to complete discovery:	December 14, 2020	February 12, 2021
20 Last day to amend pleadings/add parties:	September 15, 2020	Closed
21 Initial expert witness disclosures:	October 15, 2020	Closed
22 Rebuttal expert witness disclosures:	November 16, 2020	January 15, 2021
23 Last day to file dispositive motions:	January 13, 2021	March 15, 2021

1 Trial

TBD

TBD

2 Based on upon the foregoing, the parties respectfully request that the above discovery
3 deadlines be continued sixty (60) days as set forth above.

4 DATED this 12th day of November, 2020

DATED this 19th day of November, 2020

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12 **(PROPOSED) ORDER TO EXTEND DISCOVERY**

13 **IT IS SO ORDERED.**

14 DATED this 19th day of November 2020

15 
16 U.S. MAGISTRATE JUDGE

17 Respectfully submitted by:

18 ALVERSON TAYLOR & SANDERS

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